8031416/2023/OP SEC-TRB01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department –Allegations of certain irregularities- Departmental Proceedings initiated against Smt. G.Sowjanya, AMVI , under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

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TRANSPORT ROADS & BUILDINGS (VIG-TR) DEPARTMENT

G.O. Rt. No.301 Dated: 17.10.2023

Read the following:

1. From the DG, ACB, Rc.No.65/RCO-NNL/2015, dt.14.3.2017
2. G.O.Ms.No.54, TR&B(VIG.TR) Dept, dt.17.10.2023

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ORDER :

It is proposed to hold common enquiry against Smt.G.Sowjanya, Assistant Motor Vehicle Inspector in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV) respectively.

3. Smt. G.Sowjanya, Assistant Motor Vehicle Inspector , is directed to submit a written statement of his defense within ten days of the receipt of this order.

4. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Smt. G.Sowjanya, Assistant Motor Vehicle Inspector is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Smt. G.Sowjanya, Assistant Motor Vehicle Inspector is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to her service under Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that she is aware of

such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PRADYUMNA PS
SECRETARY TO GOVERNMENT

To
Smt. G.Sowjanya, Assistant Motor Vehicle Inspector (w.e of Annexures-I to IV) through the Transport Commissioner, A.P., Vijayawada.
The Transport Commissioner, A.P., Vijayawada (2 copies - with a request to serve the order on the individual and send the served copy with dated signature to the Government)
Copy to:
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SMT. GUDALA SOWJANYA, ASSISTANT MOTOR VEHICLE INSPECTOR, TRANSPORT WING, INTEGRATED CHECK POST, BEEMUNIVARIPALEM VILLAGE, THADA MANDAL, SPSR NELLORE DISTRICT.

That Smt. Gudala Sowjanya, Assistant Motor Vehicle Inspector, formerly worked at the Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District from 28.02.2013 to 25.03.2015 (i.e., date of surprise check). While working as Assistant Motor Vehicle Inspector at the Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District, the Government servant has committed grave misconduct in as much as:-

CHARGE:

That the Government Servant, Smt. Gudala Sowjanya, while working as Assistant Motor Vehicle Inspector at the Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District has exhibited gross negligence of duty at the Transporting Wing by collecting mamools ranging from Rs.50/- to Rs.500/- from crew of vehicles plying through the Check Post and an unaccounted amount of Rs.48,970/- was collected from the crew of vehicles on 24.03.2015 from 23:15 hours to 07:00 hours on 25.03.2015.

Thus the Government Servant, Smt. Gudala Sowjanya, Assistant Motor Vehicle Inspector, Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District by her above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and there by contravened rule 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

PRADYUMNA PS
SECRETARY TO GOVERNMENT

8031416/2023/OP SEC-TRB01

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SMT. GUDALA SOWJANYA, ASSISTANT MOTOR VEHICLE INSPECTOR, TRANSPORT WING, INTEGRATED CHECK POST, BEEMUNIVARIPALEM VILLAGE, THADA MANDAL, SPSR NELLORE DISTRICT.

That Smt. Gudala Sowjanya, Assistant Motor Vehicle Inspector, Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District is a native of D.No.26-3-22-54, 13th Street, Chandramouli Nagar, Nellore Town, SPSR Nellore District and she joined in Government Service as Assistant Motor Vehicle Inspector at the O/o the DTC, Nellore, SPSR Nellore District on 01.12.2012 and she worked at Transport Wing, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District from 28.02.2013 to 25.03.2015 (i.e., date of surprise check). Her date of birth is 10.05.1984. Her date of retirement on attaining the age of superannuation is 30.04.2044 (as on 30.03.2015). She is here-in-after referred as Government Servant.

Facts of the case:

On credible information that the officers and staff of integrated check post, B.V.Palem, Tada Mandal, SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through ICP, B.V.Palem, a surprise check was conducted over transport wing and incoming & outgoing commercial tax wings of ICP, BV Palem on 24.03.2015 from 11:30 PM to 07:00 AM on 25.03.2015 with the following 3 teams headed by the DSP, ACB, Nellore Range, Nellore.

1. **Transport Department Wing:** Sri R.V.S.N. Murthy, DSP, SI S. Venkateswara Rao, PC's Sk. Abdul Quddus , K. Madhu Sudhan Rao, and Sri Pujala Venkata Narayana Divakara Rao, S/o. P. Hanumantha Rao, 49 years, Deputy Executive Engineer, SSLC & SB SUB Division No.2, Podalakuru, & Sri Palla Srinivasulu, S/o. Lingaiah, 40 years, Typist, O/o. the SSLC & SB Circle Office, Dargamitta, Nellore, (Mediators). - Team–1.

2. **Incoming Commercial Tax Check Post:** Inspector, Sri M. Krupanandam, HC B. Ravindra, PCs N. Raga Babu, M. MadhuSudhana Rao and Sri Mannimala Venkata Ratnam, S/o. Venkaiah, 42 years, Assistant Engineer, O/o. the R & B, Rapur & Sri Pulaputturu Srinivasulu, S/o. Chinakasaiah, 44 Years, Junior Assistant, O/o. the Superintendent Engineer, Telugu Ganga Project, Nellore, (Mediators). – Team-2.

3. **Outgoing Commercial Tax Check Post (All Departments):** Inspector, Sri N. Siva Kumar Reddy, HC O. Srinivasulu, Sk. Shafi Ahammad, K. Subba Rao and Sri Parchuri Mallikarjuna Rao S/o. Hazarath, Age: 30 Years, Asst. Executive Engineer, Irrigation Department, SSLC & SB SUB Division No.2, Podalakuru, SPSR Nellore District & Sri Malli Mallikarjuna S/o. Guravaiah, Age: 30 Years, Jr. Asst, R&B Department, Nellore Division, Nellore, SPSR Nellore District (Mediators) – Team - 3.

The above mentioned 3 teams left the office of the DSP, ACB, Nellore in 3 vehicles on 24.03.2015 at 08.50 PM and reached Integrated check post, BV Palem on 24.03.2015 at 11.00 PM. The DSP got stopped the 3 vehicles at Pudi Centre near the Integrated check post. The DSP instructed his officers and men and requested the mediators to form into 3 teams as noted in the above. The DSP explained the first team which was accompanied with him will conduct surveillance and organize surprise check over the Transport Wing check post, team No.2 will conduct surveillance over Commercial Taxes check post (Incoming) and team No.3 will conduct surveillance over Commercial Taxes and other departments i.e. Forest and Mines and Geology check post (outgoing), till the DSP and Mediators No.1 & 2, visits Commercial Taxes Check posts Incoming and Out-going. As per the instructions of the DSP, team No.1 proceeded towards Transport wing along with DSP, while remaining 2 teams proceeded towards Commercial Taxes in coming and out-going of all departments i.e. Commercial Tax, Forest and Mines and Geology

respectively by walk. The Transport wing of ICP, B.V Palem is located at the western side of NH 16 road facing east in a room with glass pans (RTO Check Post). There noticed that one woman Asst. Motor Vehicle Inspector is present in front of the check post, where as another male Motor Vehicle Inspector, One Constable are present on the NH-16 and clearing traffic. One Attender present near the check post. All are wearing uniforms.

Then team No.1 proceeded towards the transport wing check post and on the arrival of raid party the Attender found stamping the records tried to move from there, the DSP with the assistance of his staff stopped him. The DSP introduced himself as well as other members check party to the woman AMVI. Meanwhile another AMVI came there along with constable. The DSP also introduced himself as well as other check party members to him also. Then the DSP along with both AMVIs and check party enter into the front glass chamber of check post. Later the DSP ascertained the identity of the staff of check post as 1) Smt. G. Sowjanya W/o B. Naveen Kumar, Age: 31 Years, AMVI, ICP, 2)Vemuri Bala Krishna S/o. Nageswara Rao, Age: 43 Years, AMVI, ICP 3) Sri Mekala Babu Rao S/o. Guravaiah, Age: 59 Years, Head Constable O/o. RTO, Nellore 4)Sri K. Nata Raju S/o. Karpan Natraj, Age: 59 Years, Attender O/o. RTO, Nellore presently working at ICP on turn of 3 months.

The DSP explained the purpose of visit and requested their co-operation during the proceedings. On the instructions of DSP, the above noted two AMVIs produced the amounts voluntarily by taking the same from the drawers of the front and back tables. The AMVI G. Sowjanya produced Rs.26,650/- where as another AMVI V. Bala Krishna produced Rs. 6,820/- from their office tables by informing that it was compounding fees and taxes collected from 09.00 pm onwards today. They also produced personal cash of Rs.500/- each from their pockets. The HC and Attender produced personal cash of Rs.230/- and Rs.370/- respectively from their pockets.

On verification of computer, it came to know that the tax and compounding fee collected so far i.e. upto 11.50 pm by G. Sowjanya, AMVI is total Rs.26,650/- where as in respect of V. Bala Krishna, AMVI it is total of Rs.6,820/-. As per the instructions of DSP, the AMVIs taken out print of individual cash register from the computer and tallied with the amounts collected by the AMVIs from the erred drivers as compounding fee were tallied with that of cash found in the office table drawers of the above two AMVIs. Hence, the cash was tallied with the total compounding fee and taxes collected so far, by the above two AMVIs. Hence, the cash amount of Rs.26,650/-, Rs.6,820/- returned and handed over to AMVIs G. Sowjanya and V. Bala Krishna respectively. Meanwhile the DSP with the Assistance of his men and in the presence of mediators searched the Integrated Check Post in and around, but no incriminating material available. The DSP got searched the officers and men of above check post through mediator and found nothing except the cash produced by them. On verification the cash in possession declared by the AMVIs, Head Constable and Attender in personal cash register tallied with the amounts available with them and no excess amounts found with them. Following are the details.

Sl. No.	Name of the officers	Cash available with the officers	Cash declared in Personal Cash Register.	Attendance as per duty Register(Page No.52)	Remarks /Variations
1	Sri Vemuri Bala Krishna, AMVI	Rs.500/-	Rs.500/-	Signed/Present	Tallied
2	Smt. G. Sowjanya, AMVI	Rs.500/-	Rs.500/-	Signed/Present	Tallied
3	Sri M. Babu Rao, Head Constable	Rs.230/-	Rs.500/-	Signed/Present	Less amount of Rs.270/-

4	Sri K. Nata Raju, Attender	Rs.370/-	Rs.400/-	Signed/Present	Less amount of Rs.30/-

The DSP returned the personal cash available with AMVIs, Head Constable and Attender, since no variations noticed.

The ACB raid party found that the Attender found stamping the records of four wheelers which are entering into the AP State, by standing near to the northern side to the chamber. The drivers/cleaners of four wheelers especially loaded lorries and vans came into the premises of check post and voluntarily have been giving cash of Rs. 50/-, Rs.100/-, Rs.300/- and Rs.500/- to him. Stamping being made with one round rubber stamp with seal of Transport Department, Govt. of A.P., ICP, B.V.Palem, SPSR Nellore District, A.P. (in English) were also found upon the stool.

On the instructions of DSP mediator No.2 collected the currency notes found available on the table where the attender made stamping and counted the same and informed that the amount is Rs.6,900/-.

The DSP asked the two AMVIs, Head Constable and Attender about allowing the amounts from the crew of the lorries/vans. The AMVIs, Head Constable and Attender did not speak any thing and kept silent. The DSP seized the unaccounted amount of Rs.6,900/- for further verification.

While the proceedings are going on in the Transport wing surprise check party noticed that as usual the crew of the vehicles plying through the ICP visiting the Transport wing with the records of the vehicles in one hand and cash on another hand and voluntarily placing the amounts on the stool located in the northern side open room of the Check post, where stamp pad and seal of transport wing was kept and they themselves stamping on their records and keeping the cash on the stool and leaving the place. On observation of the same it revealed that the crew of the vehicles are paying the amounts ranging from Rs.50/- to Rs.500/- according to the load variations, type of vehicles and purpose of stamping. As per the instructions of the DSP mediator No.2 took the above collected amount from 11.20 PM (24.03.2015) to 03.20 AM (25.03.2015) and counted the same and informed that the amount is Rs.42,070/-. The DSP seized the said amount of Rs.42,070/- for further proceedings. Thus total amount seized from the ICP of Road Transport Department is Rs.48,970/-. At random some of the crew of the vehicles who paid mamools to the officials of Transport wing were examined viz.,

1) Sri Kambampati Sidulu S/o. Papaiah, Profession: Driver, Age: 38 years, Caste: Doodekula, Patti Chettu Street, Miryalaguda, Nalgonda District, Telangana State, Cell: 9966098778, Vehicle No: AP 16 TC 4195, Load: Tiles from Khammam to Chennai (Paid Rs.300/-)

2) Sri Sunkara Sambasiva Rao S/o. Brahmaiah, Profession: Cleaner, Age: 48 Years, Caste: Kapu, Ramavarappadu, Near Ankamma Temple, Vijayawada, Krishna District, Andhra Pradesh, Vehicle No. AH J 3339, Load: Cotton from Vijayawada to Chennai, (Paid Rs.500/-).

3) Sri B Balaji S/o. Satyanarayana, Age: 43 Years, Caste: Yadava, Near RTC Bus Depot, Tuni, East Godavari District, A.P. Vehicle No. AP 16 TV 6149 Load: Chemical, from Visakhapatnam to Chennai (Paid Rs.300/-).

When examined, they categorically stated that they are paying of amounts as mamools is a regular process to them and they are paying the mamools to the officials of Transport wing, Integrated check post for not looking in to the violations they have committed in transportation of goods and materials etc. Their signed statements were obtained and recorded by the DSP which were duly attested by mediators 1 & 2.

The DSP asked the AMVIs, Head Constable and Attender about the paying of above mamools by the crew of the vehicles; they kept silent and did not say anything.

When asked about the administration of the Transport wing, the AMVIs stated that the Motor vehicle Inspector is overall in-charge of Transport wing of ICP. From last one year, onwards Sri S.B. Madhu Sudhana Rao, AMVI acting as Overall in-charge of transport wing in the place of Sri S.A. Zakir, MVI who was transferred to Gudur about one year back. 5 AMVIs are assisting to Sri Madhu Sudhana Rao in functioning of Transport Wing of ICP.

The AMVI, V. Bala Krishna stated that he has been working as AMVI from 03.06.2012, G. Sowjanya stated that she has been working as AMVI since 01.12.2012 and, Sri M. Babu Rao is working as Head Constable from 01.02.2015, Attender Sri K. Nata Raju is working from 01.02.2015. There is no connection of CC Cameras since his reporting.

On the request of the DSP the AMVIs produced the duty charts of AMVI's and Personal cash register as on date 24.03.2015. As per the duty chart the AMVIs Sri V. Bala Krishna, Smt. G. Sowjanya are on duty at ICP, B.V.Palem on 24/25.03.2015 as 3rd shift i.e. from 09.00 PM (24.03.2015) to 08.00 AM (25.03.2015). Likewise M. Babu Rao, Head Constable and K. Nata Raju, Attender are on duty at ICP, B.V.Palem on 24/25.03.2015 as 3rd shift i.e. from 09.00 PM (24.03.2015) to 08.00 AM (25.03.2015).

On verification of the Visit Register, ICP B.V.Palem, Transport Department, it is found that on 10.02.2015 the RTO, Gudur Sri B. Chandra visited the check post and left instructions to the staff.

The DSP seized the copies of duty charts of AMVI's and staff, Attendance Register and personal cash register as on date 24.03.2015, duly attested by the mediators 1 & 2 and the DSP for further verification.

The proceedings so far conducted at Transport Wing are typed by the second mediator Sri Palla Srinivasulu, Typist in the laptop and printer brought by the ACB officials for the happenings at Transport Wing.

Thus, Smt. Gudala Sowjanya, Assistant Motor Vehicle Inspector by her above mentioned acts has exhibited lack of integrity and devotion to duty which unbecoming of a Government Servant, brought down the prestige of the government and there by contravened Rule 3 (1) & 3(2) of APCS (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered herself liable for departmental action for major penalty for his misconduct.

PRADYUMNA PS
SECRETARY TO GOVERNMENT

ANNEXURE-III

LIST OF WITNESSES IN SUPPORT OF CHARGES PROPOSED TO BE SUSTAINED.

1) Sri Pujala Venkata Narayana Divakara Rao, S/o. P. Hanumantha Rao, 49 years, Deputy Executive Engineer, SSLC & SB Sub Division No.2, Podalakuru, SPSR Nellore District.

2) Sri Palla Srinivasulu, S/o. Lingaiah, 40 years, Typist, O/o. the SSLC & SB Circle Office, Dargamitta, Nellore, SPSR Nellore District.
(Sl.Nos.1 & 2 are the mediators, proceedings were conducted in their presence and Sl.No.2 was typed the Mediators Report, Dt.24/25.03.2015).

3) Sri Kambampati Sidulu, S/o. Papaiah, Profession: Driver, Age:38 years, Caste: Doodekula, Patti Chettu Street, Miryalaguda, Nalgonda District, Telangana State, Cell: 9966098778, Vehicle No: AP 16 TC 4195, Load: Tiles from Khammam to Chennai (Paid Rs.300/-)

4) Sri Sunkara Sambasiva Rao, S/o. Brahmaiah, Profession: Cleaner, Age: 48 Years, Caste: Kapu, Ramavarappadu, Near Ankamma Temple, Vijayawada, Krishna District, Andhra Pradesh, Vehicle No. AH J 3339, Load: Cotton from Vijayawada to Chennai, (Paid Rs.500/-).

5) Sri B Balaji S/o. Satyanarayana, Age: 43 Years, Caste: Yadava, Near RTC Bus Depot, Tuni, East Godavari District, A.P. Vehicle No. AP 16 TV 6149 Load: Chemical, from Visakhapatnam to Chennai (Paid Rs.300/-).

(Sl.Nos.3 to 5 are the vehicle drivers who were paid mamools to the officials of Transport Department Wing for not looking in to the violations they have committed in transportation of goods and materials and to obtain transit permits/tokens etc.,)

6) Sri R.V.S.N.Murthy, DSP,ACB, Prakasam Range, i/c Nellore Range, Nellore.

7) Sri S. Venkateswara Rao, SI of Police, ACB, Ongole, Prakasam District.

If any witness, is necessary will be produced during the enquiry.

PRADYUMNA PS
SECRETARY TO GOVERNMENT

ANNEXURE-IV

LIST OF DOCUMENTS IN SUPPORT OF CHARGES PROPOSED TO BE SUSTAINED.

1) Mediators Report, Dated:24/25.03.2015 drafted at the Integrated Check Post, BV Palem, Tada Mandal, SPSR Nellore District.

2) Duty Register, O/o. the AO, ICP, BV Palem, Tada Mandal, SPSR Nellore District.

3) Duty Charts of the staff of the Transport Wing Check Post, ICP, BV Palem, Tada Mandal, SPSR Nellore District.

4) Service Particulars of the Government Servant, Smt. Gudala Sowjanya furnished by the Deputy Transport Commissioner, SPSR Nellore District.

If any document, is necessary will be produced during the enquiry.

PRADYUMNA PS
SECRETARY TO GOVERNMENT